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United States Department of State

Washington, D.C. 20520

August 12, 1982

Dear Senator Hayakawa:

Thank you for your letter of July 28 enclosing correspondence from your constituent, Jim Armstrong, concerning 30 Afghans seeking asylum in the United States.

We deeply sympathize with the desire of Afghans to live in freedom rather than under the brutal Soviet occupation. We do not and will not deport Afghans to Afghanistan. Unfortunately, our ability to enforce U.S. immigration laws has been severely undermined by some Afghans who have apparently attempted to circumvent these laws. They arrived in the United States with fraudulent passports and counterfeit U.S. visas, purchased in South Asia. Moreover, some of these individuals came to the U.S. after it had been determined that they did not qualify for the U.S. refugee resettlement program. They had registered for that program, been interviewed overseas and found ineligible. Others had registered for the U.S. refugee resettlement program, but did not return for their interview, and the remainder had never applied for resettlement in the U.S. Although we sympathize with such individuals, we are obligated to prevent circumvention of American immigration law. Otherwise, Congress' intent will be frustrated and the integrity of our entire immigration system will be undermined.

As you know, the United States has determined that Afghan refugees are of special humanitarian concern to this country. However, the numbers admitted must fall within the ceiling of 5,000 allocated by the President to all refugees from the Near East. (Afghan refugees are expected to fill almost 4,000 of that total). Because of dislocation caused by the invasion of their country by the Soviet Union, almost three million Afghans -- one fifth the population of Afghanistan -- have obtained refuge in countries bordering Afghanistan. Because so many Afghan refugees wish to come to

The Honorable  
Sam I. Hayakawa,  
United States Senate.

DEPARTMENT OF STATE A/CDC/MR

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the United States, applicants greatly exceed the number which may be admitted by the U.S. We, therefore, must employ selection priorities. Although the United States is making a significant contribution to alleviating the plight of the Afghans by our resettlement programs and programs for assistance in countries of first asylum, we are not the only country in the world which offers refuge to Afghan refugees. As the President stated on July 17, 1981, "...neither the United States, nor any other nation can absorb all those who would come -- whether to flee persecution or to seek a better life. There are limits to what this country can do alone, and these limits are reflected in our laws." Nevertheless, we are doing all that we can.


In June 1981 President Reagan announced a comprehensive package of reforms intended to allow the United States to regain control of its borders. Included in that package was a provision that excludable aliens must be detained while their legal right to enter is determined. Detention of excludable aliens is mandated by our immigration statutes and enforced by the INS even-handedly regardless of nationality, and lasts while asylum applications, if any, are processed to completion. Both the Immigration and Naturalization Service and the State Department attempt to expedite asylum requests filed by such excludable aliens, in order to shorten the length of detention.

Under our laws, Afghans who enter this country with fraudulent documents will go into hearings which will determine their status. If it is determined that they must leave the United States, they will be sent to the country from which they came, often Pakistan, not to Afghanistan. To grant them asylum when they had not qualified for the U.S. refugee resettlement program would seriously erode the program's integrity and encourage growing numbers of similar illegal arrivals in the U.S. Should return to a third country prove impossible, they may be allowed to remain in the United States.

I hope this information addresses your constituent's concern regarding reports of deportation of Afghans to Afghanistan.

With cordial regards,

Sincerely,

  
Powell A. Moore  
Assistant Secretary for  
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